HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

CIVIL REVISION PETITION NO.1947 OF 2026
(CNR No. HBHC010443032026)

DATE OF ORDER: 02.09.2026

BETWEEN:

Atlantis Agritech Private Limited,
Rep. by its Authorized Representative

.....Petitioner

AND

M/s. Kendriya Bhandar and Another

... Respondents

Mr. A. Venkatesh, learned Senior Counsel representing Mr. Mohammed Omer Farooq, learned counsel appearing for the petitioner.

Mr. M. Pranav, learned counsel appearing for the respondent No.1.

ORDER: *(per Hon'ble Justice Moushumi Bhattacharya)*

1. The present Civil Revision Petition arises out of an order dated 16.06.2026 passed by the learned Commercial Court at Hyderabad. The impugned order was passed in a Commercial Execution Application (No.135 of 2025) filed by the petitioner/Award-Holder in CEP No.29 of 2024.

2. The petitioner is a 'Supplier' as defined under section 2(n) of The Micro, Small and Medium Enterprises Development Act, 2006 ('MSMED Act') and is engaged in the business of manufacturing agricultural machinery and equipment. The petitioner supplied goods to the respondent No.1 under multiple supply orders issued by the respondent No.1 from August, 2019 to June, 2020. The respondent No.1 failed to make payment of the outstanding amounts. The petitioner thereafter approached the Micro and Small Enterprise Facilitation Council ('Council') and filed a Claim Petition under section 18(1) of the MSMED Act. The Council initiated Conciliation proceedings between the parties under section 18(2) and thereafter an Award was passed on 10.06.2024 allowing the claim made by the petitioner and directing the respondent No.1 to pay Rs.41,86,98,166/- towards the principal amount, apart from interest and additional interest.

3. The petitioner filed an Execution Petition i.e., CEP No.29 of 2024 before the Commercial Court at Hyderabad pursuant to the Award. The Commercial Court allowed the CEP by an order dated 01.04.2025 and directed the respondent No.1 to file an Affidavit in Form No.16A of Appendix-E of The Code of Civil Procedure, 1908

(‘CPC’), furnishing the particulars of its assets, namely, its movable and immovable properties across India along with corresponding/relevant documents to satisfy the Award dated 10.06.2024 within a specific time frame.

4. The respondent No.1 filed an Affidavit of Disclosure of Assets on 10.07.2025. The petitioner thereafter filed CEA No.135 of 2025 under Order XXI Rule 41(2) of the CPC seeking a direction on the respondent No.1 to file a fresh Affidavit of Disclosure of Assets and produce certain documents on the ground that the Affidavit of Disclosure filed by the respondent No.1 is vague and not in compliance with the order dated 01.04.2025.

5. By an order dated 16.06.2026, the Commercial Court partly allowed CEA No.135 of 2026 directing the respondent No.1 to file a further affidavit of assets in Form No.16A of Appendix-E disclosing all its assets, debts, and trade receivables due to it from any entity for the purpose of satisfying the Award dated 10.06.2024. The Commercial Court however declined to grant the petitioner’s prayer for production of certain documents by the respondent

No.1. The petitioner has filed the present Revision Petition against the order of refusal.

6. Learned Senior Counsel appearing for the petitioner/Award-Holder submits that the contract-wise margin disclosed by the respondent No.1 does not amount to sufficient disclosure as required under Form No.16A of Appendix-E of the CPC. Senior Counsel further submits that the proceedings filed by the respondent No.1/Award-Debtor under section 47 of the CPC concerning questions to be determined by the Executing Court does not have any bearing on the disclosure application made by the petitioner/Award-Holder. It is also submitted that the respondent No.1 has failed to comply with the mandate of section 19 of the MSMED Act with reference to deposit of 75% of the awarded amount.

7. Learned counsel appearing for the respondent No.1/Award-Debtor submits that the CEA filed by the petitioner should be kept in abeyance in view of the pending application filed by the respondent No.1 under section 47 of the CPC. Counsel submits that the issue as to whether the petitioner is a medium enterprise

goes to the root of the matter. Counsel further submits that the respondent No.1 has disclosed assets in excess of the awarded amount including Rs.86.29 lakhs owed from one single entity and that no further information is required to be disclosed for the purposes of the CEA filed by the petitioner. Counsel further urges that the nature of business carried on by the respondent No.1 makes it a no-profit, no-loss, entity which is dependent on the percentage commissions earned from its transactions with third parties.

8. Order XXI Rule 41 of the CPC, which falls under the heading 'Attachment of Property', deals with examination of a judgment-debtor as to his/her property. Sub-rule (2) of Order XXI Rule 41 is relevant for the present adjudication and provides that the Court may, on the application of the decree-holder and without prejudice to its power under sub-rule (1), by order require the judgment-debtor to make an affidavit stating the particulars of the assets of the judgment-debtor where a decree for the payment of money has remained unsatisfied for thirty days. Sub-rule (3) of Order XXI Rule 41 reinforces Court's power by providing that the Court may direct a person disobeying an order made under sub-rule (2) to be

detained in a civil prison for a term not exceeding three months, unless the Court directs his release before expiry of such term.

9. Form No.16A of Appendix-E to the CPC prescribes the format of the Affidavit of Assets to be made by a 'judgment-debtor' under Order XXI Rule 41(2) of the CPC. The prescribed Form requires the judgment-debtor to disclose particulars including his/her annual/monthly/weekly income after paying income-tax; income from employment and other sources; outgoing payments by way of rates, mortgage, interest, etc.; particulars of the banking accounts, stocks and shares, life and endowment policies, house property, other property and other securities possessed by the judgment-debtor. Serial No.9 of Form No.16A requires the judgment-debtor to give particulars

> '*the following debts are due to me…*'

Form No.16A is required to be signed by the judgment-debtor and sworn before the concerned Court.

10. Form No.16A of Appendix-E makes it clear that the judgment-debtor is required to disclose specific particulars of his/her assets including the particulars of debts due to the

decree-holder. This requirement falls squarely within the scope of Order XXI Rule 41(2) which empowers the Court, upon an application by the decree holder, to require the judgement-debtor to file an affidavit setting out the particulars of his/her assets. Such an application may be made where the decree for payment of money has remained unsatisfied for a period of thirty days.

11. Coming to the facts of this case: Admittedly, the Arbitral Award was passed on 10.06.2024 in favour of the petitioner for a sum of Rs.74,62,22,812/- (as on 09.12.2024). The petitioner had earlier filed an application under Order XXI Rule 41 of the CPC seeking disclosure of the assets of the respondent No.1 in Form No.16A (CEA No.163 of 2024) on 01.04.2025. The Commercial Court directed the respondent No.1 to disclose its assets in the prescribed form along with all relevant documents within four weeks. The respondent No.1 filed an application for extension of time which was allowed by the Commercial Court on 25.06.2025 granting the respondent No.1 two weeks to comply with the said direction. The respondent No.1 filed an Affidavit of Disclosure of Assets on 10.07.2025 which the petitioner found to be vague, incomplete and not in compliance with the order dated

01.04.2025. The petitioner hence filed an application (CEA No.135 of 2025) seeking a further direction on the respondent No.1, *inter alia,* to disclose the assets held by the Judgment Debtor across India including but not limited to lands, houses or other buildings, goods and all receivables due to the judgement debtor from various ongoing/completed projects across India.

12. By the impugned order, the Commercial Court refused to grant prayer (ii) which is set out below:

> "All receivables due to the judgement debtor, i.e. specific amount due to the Judgment debtor, from various ongoing/completed projects across India including the Projects mentioned by the Judgment Debtor in Annexure No.2 of the Affidavit of Disclosure dated 10.07.2025 along with the copies of the contracts, purchase orders, invoices raised by the Judgment Debtor and other material documents relating to the projects."

13. The particulars pertaining to prayer (ii) are set out in Annexure-2 of the respondent No.1's Affidavit of Disclosure dated 10.07.2025. Annexure-2 consists of four columns with the headings as extracted under:

1	2	3	4	5
S.No.	Name of the Dept	Item	Value of Contract with Third Party on Back to Back basis	KB Margin

14. Column No.2 is the Department to whom the respondent No.1 supplied the items; Column No.3 is the item which the petitioner supplied the product to the respondent No.1; Column No.4 shows the value of contract with third party on back to back basis and Column No.5 shows the profit percentage on the value of contract shown in column No.4. The relevant extract in respect of the 'KB Margin' for supply of blankets to the Tribal Welfare Department of the State of Telangana is given below.

1	2	3	4	5
S.No.	**Name of the Dept**	**Item**	**Value of Contract with Third Party on Back to Back basis**	**KB Margin**
1 to 11 ..	..	..	..	..
12.	Tribal Welfare	Blankets	6.40 Cr.	1%

15. Disclosure of the items under the 'KB Margin' (KB = Kendriya Bhandar: Award-Debtor) as a percentage, without stating the corresponding amount in rupees is unexplained. This omission

assumes significance in view of the fact of the respondent No.1 filing a Writ Petition (No.22067 of 2025) in this High Court claiming amounts of Rs.6,33,40,059/- against the State of Telangana and the Commissioner, Tribal Welfare Department (W.P.No.22067 of 2025). By an order dated 14.10.2025, a learned Single Judge disposed of the said Writ Petition by directing the respondents therein to release the said amount to the petitioner therein (respondent No.1) within a period of 12 weeks from the date of receipt of a copy of the order.

16. The respondent No.1 has also filed W.P.Nos.7392 and 31773 of 2024 against the Telangana State Medical Services Department and Infrastructure Development Corporation in respect of an amount of Rs.3,30,00,000/-. By a Common Order dated 06.11.2025, a learned Single Judge disposed of both the Writ Petitions by directing the Managing Director of the Corporation to clear the admitted dues within four weeks from the date of receipt of the order.

17. Hence, the ambiguity of the last column of Annexure-2 of the respondent No.1's Affidavit of Disclosure is incongruous with the

specificity of the amounts claimed by the respondent No.1 in the Writ Petitions from the same entity mentioned in Annexure-2. In other words, the percentages mentioned in Column No.4 of the statement in Annexure-2 are deliberately non-specific with an intention to obfuscate the precise amount due to the respondent No.1 from these entities. To highlight the ambiguity, the relevant entries are reproduced below.

1	2	3	4	5
S.No.	**Name of the Dept**	**Item**	**Value of Contract with Third Party on Back to Back basis**	**KB Margin**
1 to 17 ..	..	..	..	..
18.	TSMSIDC	Medical Equipments	5 Cr.	3%

18. The vagueness of the Affidavit of Disclosure including Annexure-2 thereto, hence explains the anxiety on the part of the petitioner to file the second application for further disclosure from the respondent No.1 by way of an affidavit under Form No.16A of Appendix-E of the CPC.

19. We also do not find the contention of the respondent No.1 with regard to section 47 of the CPC to be tenable.

20. Admittedly, the application of the respondent No.1/Award-Debtor under section 47 of the CPC was filed after the petitioner/Award-Holder's application for disclosure and production of documents. The petitioner filed the disclosure application on 23.07.2025 which was partly allowed by the Commercial Court by the order dated 16.06.2026. On the other hand, the respondent No.1/Award-Debtor filed the section 47 application on 25.06.2026 which was numbered/registered on 08.07.2026, i.e., after the impugned order passed by the Commercial Court on 16.06.2026.

21. The respondent No.1/Award-Debtor has failed to show any statutory basis for delaying the disclosure of assets/particulars and documents pending adjudication of the section 47 application. Moreover, there is no embargo on the Commercial Court from deciding the section 47 application in due course and on its own merits.

22. The attempt of the Award-Debtor to put the petitioner's application for disclosure on the backburner becomes stark in light of the Award-Debtor's continued resistance to depositing 75%

of the awarded amount under section 19 of the MSMED Act. The Supreme Court has repeatedly reiterated that the mandate of section 19 of the MSMED Act cannot be bypassed and the indulgence by a Court is limited to permitting the Award-Debtor to deposit the amount in instalments subject to the Award-Debtor satisfying the Court on the plea of financial hardship: *M/s. Tirupati Steels v. M/s. Shubh Industrial Components*[1].

23. The MSMED Act is a special statute to promote and develop the competitiveness of Micro, Small and Medium Industries and contains a specific prohibition on the Court to entertain a challenge to an Award passed by the Facilitation Council unless the Award-Debtor has complied with the requirement of depositing 75% of the awarded amount. The language of section 19 is that '*…has deposited with it seventy-five per cent of the amount in terms of the decree, award…'* which means that the deposit of 75% must be made along with the challenge to the Award.

24. It is undisputed that the respondent No.1/Award-Debtor has filed numerous proceedings against the Arbitral Award dated

[1] MANU/SC/0500/2022

10.06.2024 raising various pleas including those relating to back-to-back transactions, error of jurisdiction etc. However, the Award-Debtor has failed to comply with the mandate of section 19 of the MSMED Act till date. Besides, section 47 of the CPC entitles a Judgment-Debtor to raise certain questions for determination by the Executing Court. The Executing Court would naturally be expected to determine these questions before proceeding with the execution of the decree. However, mere filing of a section 47 application cannot be said to automatically halt all other proceedings in aid of execution, including proceedings initiated by the Decree-Holder seeking particulars of assets of the Judgement-Debtor, by way of an affidavit under Form No.16A of Appendix-E under Order XXI Rule 41(2) of the CPC.

25. Section 47 of the CPC which allows the Judgment-Debtor to raise questions in relation to the decree can be equated to a challenge to the decree or Award as contemplated under section 19 of the MSMED Act. This is by reason of the fact that the Judgment-Debtor seeks to resist the execution of the decree under a section 47 application which is similar to an application for setting aside a decree/award made by the Facilitation Council.

Therefore, proceedings under section 47 cannot said to be independent of the mandate in section 19 of the MSMED Act. Section 47 of the CPC also does not pre-suppose that the Judgment-Debtor would automatically be exempted from making the 75% deposit of the decretal amount.

26. Thus, the argument of the respondent No.1/Award-Debtor that the application for disclosure of assets should be kept in abeyance while the Award-Debtor continues to disobey the section 19 mandate is unacceptable. Moreover, the cases relied on by learned counsel appearing for the respondent No.1/Award-Debtor should be considered in the context of the specific issue arising for determination, namely, whether a proceeding filed by a Judgment-Debtor under section 47 of the CPC is sufficient to stall execution of a decree/award pending mandatory compliance of section 19 of the MSMED Act.

27. The issue before the Supreme Court in *Electrosteel Steel Limited v. Ispat Carrier Private Limited*[2] was whether an objection to execution of an Award under section 47 of the CPC is

[2] (2025) 7 SCC 773

contingent upon filing a petition under section 34 of the Arbitration and Conciliation Act, 1996 ('1996 Act'). The Supreme Court opined that a section 47 application is not dependent upon filing of a section 34 application under the 1996 Act. The most important point is that *Electrosteel Steel Limited* is silent on the exemption of section 19 of the MSMED Act since the Supreme Court was not called upon to decide that issue.

28. *In Feroz Ahmad Dar v. M/s. Himalayan Motors*[3], a learned Single Judge of the High Court of Jammu & Kashmir and Ladakh at Srinagar, held that when a decree is challenged under section 47 of the CPC, such challenge is essentially directed against the execution of the decree itself and that the Executing Court is bound to adjudicate upon such objections before proceeding further with the execution.

29. In *Jai Balaji Industries Ltd. v. Garuda Ispat Private Limited*[4], a learned Single Judge of the High Court of Chhattisgarh at Bilaspur, held that the Arbitral Award passed by the Facilitation Council could be questioned on the ground of irregularities in the

[3] 2026 LiveLaw (JKL) 156
[4] MANU/CG/1310/2026

conduct of the Arbitral Proceedings including the absence of opportunity to adduce evidence. The Court found that the record in relation to the Arbitral Proceedings was completely silent with regard to compliance with the mandatory requirements under sections 23, 24 and 25 of The Arbitration and Conciliation Act, 1996, namely, in relation to pleadings, hearings and default of parties to communicate the pleadings on the other party. In that case, the Court found that the petitioner had agreed to Courts at Kolkata having exclusive jurisdiction to adjudicate disputes arising out of the transactions.

30. A Single Bench of the High Court of Calcutta in *Cat's Whiskers Pvt. Ltd. v. G.D. Engineering Co. (India) Pvt. Ltd.*[5] considered a case in which the Award-Debtor had filed an application under section 47 of the CPC questioning the jurisdiction of the Executing Court, while failing to comply with section 19 of the MSMED Act. The Court opined that any attempt made by an Award-Debtor to challenge an Award and seek a stay thereof would be treated as 'still-born' under the provisions of the MSMED Act read with The Arbitration and Conciliation Act, 1996.

[5] MANU/WB/0160/2024

The Court relied on *The Board of Major Port Authority for the Shyama Prasad Mookerjee Port, Kolkata v. Marinecraft Engineers Private Limited*[6] to buttress its view.

31. None of the cases cited on behalf of the respondent No.1/Award-Debtor, including *Electrosteel Steel Limited (supra),* deal with the issue as to whether the mere filing of an application under section 47 of the CPC for determining the questions raised against a Decree, would automatically exempt the Judgment-Debtor from complying with the mandate of section 19 of the MSMED Act. While there is little doubt that a Judgment-Debtor is entitled to invoke the jurisdiction of the Executing Court under Section 47, no decision has been placed before the Court which addresses the question as to whether an Award-Debtor can circumvent the mandatory requirement under Section 19 merely by initiating such proceedings. Accordingly, none of the cases relied upon by Respondent No.1/Award-Debtor comes to its assistance.

[6] AP 252 of 2023 with AP 179 of 2023

32. The statement showing the 'contract-wise margin' of the Award-Debtor and the value of the Award-Debtor's margin as per the Affidavit of Disclosure dated 10.04.2025, demonstrates that the petitioner/Award-Holder remains oblivious of the amounts due to the Award-Debtor from the entity/department mentioned in the first column. The last column in Sl.Nos.13 to 19 of Annexure-2 provides information with regard to the two Writ Petitions filed by the respondent No.1/Award-Debtor in this Court for release of specific amounts of money from the concerned departments, as well as the orders passed by the High Court on 14.10.2025 and 06.11.2025 directing release of the amounts prayed for to the Award-Debtor.

33. The Commercial Court failed to appreciate the facts relevant to the adjudication. The Commercial Court should have considered that Annexure-2 to the Affidavit of Disclosure filed by the Award-Debtor on 10.07.2025 does not contain any particulars, let alone sufficient particulars. Annexure-2 is completely silent with regard to the amounts receivable by the Award-Debtor from the entities mentioned in the first column. Mere indication of percentages would not satisfy the requirement in Form No.16A of

Appendix-E of the CPC where the payment of money under the decree has remained unsatisfied for more than thirty days (Order XXI Rule 41(2) of the CPC). The impugned order does not indicate the reasons as to why prayer (ii) of CEA No.135 of 2025, filed by the petitioner, seeking disclosure of the receivables due to the Judgement-Debtor, namely, the specific amounts due to the Award-Debtor from various ongoing/completed projects across India, was liable to be rejected. Hence, the Commercial Court erred in holding that the information provided by the Award-Debtor in Annexure 2 was adequate and that no further direction was required to be issued to the Award-Debtor to produce further particulars and documents in terms of prayer (ii) of the CEA No.135 of 2025.

34. This Court accordingly deems it fit to set aside the impugned order dated 16.06.2025 and direct the respondent No.1/Award-Debtor to file a fresh Affidavit of Disclosure of Assets by disclosing all receivables due to the Award-Debtor including specific amounts due to the Award-Debtor from continuing/completed projects across India in terms of prayer (ii) of the petitioner’s CEA No.135 of 2025. The Award-Debtor shall file the fresh Affidavit within

three weeks from the date on which a copy of this order is received by the parties.

35. CRP No.1947 of 2026 is allowed and disposed of. Pending miscellaneous applications, if any, shall stand closed.

MOUSHUMI BHATTACHARYA, J

RENUKA YARA, J

Date: 02.09.2026.
TJMR/NDS